

Title 19A
LAND SEGREGATION

1 NEW SECTION. SECTION 1. There is hereby added to K.C.C. Title
2 19A a new section to read as follows:

3 A. Only nonbuilding lots or tracts shall be created;

4 B. For a division of land approved through a plat, short plat or binding
5 site plan, a note shall be placed on the plat, short plat or binding site plan stating
6 that the nonbuilding lots or tracts created are not considered building sites for
7 purposes of residential dwelling construction; and

8 C. For a division of land described in K.C.C. 19A.08.040B, a notice on
9 title shall be filed with the King County records and elections division stating that
10 the nonbuilding lots or tracks created are not considered building sites for
11 purposes of residential dwelling construction. The notice shall run with the land.
12 The applicant shall pay the recording fee, which must be collected before
13 approval of the exempted segregation.

14 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter
15 19A.08 a new section to read as follows:

16 In a closed basin, as defined by WAC 173-507, 173-508, 173-509, 173-
17 510, and 173-515, an application for further segregation may not be submitted
18 within five years after recording, if the application relies on a public water system
19 created to provide domestic water that uses an exempt well under RCW 90.44.050
20 or proposes an additional exempt well and the proposed segregation will result in

21 the creation of more than six lots within the boundaries of the original subdivision
22 or short subdivision.

23 SECTION 3. Ordinance 13694, Section 42 and K.C.C. 19A.08.070 are
24 each hereby amended to read as follows:

25 **Determining and maintaining legal status of a lot.** A. A property
26 owner may request that the department determine whether a lot was legally
27 segregated. The property owner shall demonstrate to the satisfaction of the
28 department that, a lot was created, in compliance with applicable state and local
29 land segregation statutes or codes in effect at the time the lot was created,
30 including but not limited to, demonstrating that the lot was created:

31 1. Prior to June 9, 1937 and the has been:

32 a. Provided with approved sewage disposal or water systems or roads,
33 ~~((or))~~ and

34 b. Conveyed as an individually described parcel to separate,
35 noncontiguous ownerships through a fee simple transfer or purchase prior to
36 October 1, 1972, or

37 c. Recognized prior to October 1, 1972 as a separate tax lot by the
38 county assessor.

39 2. Through a review and approval process recognized by the county for
40 the creation of four lots or less from June 9, 1937 to October 1, 1972 or the
41 subdivision process on or after June 9, 1937;

42 3. Through the short subdivision process on or after October 1, 1972; or

- 43 4. Through the following alternative means allowed by the state statute
44 or county code:
- 45 a. For the raising of agricultural crops or livestock, in parcels greater
46 than ten acres, between September 3, 1948, and August 11, 1969;
- 47 b. For cemeteries or other burial plots, while used for that purpose, on
48 or after August 11, 1969;
- 49 c. At a size five acres or greater, recorded between August 11, 1969,
50 and October 1, 1972, and did not contain a dedication;
- 51 d. At a size twenty acres or greater, recognized prior to the effective
52 date of this title provided, however, for remnant lots not less than seventeen acres
53 and no more than one per quarter section;
- 54 e. Upon a court order entered between August 11, 1969, to July 1,
55 1974;
- 56 f. Through testamentary provisions or the laws of descent after August
57 10, 1969;
- 58 g. Through an assessor's plat made in accordance with RCW 58.18.010
59 after August 10, 1969;
- 60 h. As a result of deeding land to a public body after April 3, 1977, and
61 that is consistent with King County zoning code, access and board of health
62 requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or
- 63 i. By a partial fulfillment deed pursuant to a real estate contract
64 recorded prior to October 1, 1972, and no more than four lots were created per the
65 deed.

- 66 B. In requesting a determination, the property owner shall submit
67 evidence, deemed acceptable to the department, such as:
- 68 1. Recorded subdivisions or division of land into four lots or less;
 - 69 2. King County documents indicating approval of a short subdivision;
 - 70 3. Recorded deeds or contracts describing the lot or lots either
71 individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
72 4. Historic tax records or other similar evidence, describing the lot as an
73 individual parcel. The department shall give great weight to the existence of
74 historic tax records or tax parcels in making its determination.
- 75 C. Once the department has determined that the lot was legally created,
76 the department shall continue to acknowledge the lot as such, unless the property
77 owner re-aggregates or merges the lot with another lot or lots in order to:
- 78 1. Create a parcel of land that would qualify as a building site, or
79 2. Implement a deed restriction or condition a covenant or court
80 decision.
- 81 D. The department's determination shall not be construed as a guarantee
82 that the lot constitutes a building site as defined in K.C.C. 19A.04.050.
- 83 E. Re-aggregation of lots after January 1, 2000 shall only be the result of
84 a deliberate action by a property owner expressly requesting a permanent merger
85 of two or more lots.